

PUBLIC HEARING--August 18, 1965

Appeal #8313 Elsie K. O'Bannon, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on August 25, 1965:

**ORDERED:**

That the appeal for a variance from the provisions of Section 3301.1 of the Zoning Regulations requiring 900 square feet per unit in conversion of flat into an apartment house at 1106 East Capitol Street, lot 77 and 808, square 988, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a frontage of 18.60 feet on East Capitol Street and depths of 88.42 feet on the east side and 98.42 feet on the west side. There is a ten foot public alley which extends into approximately one half of the rear portion of this lot. The lots contain an area of approximately 1744 square feet of land.

(2) The lot is improved with a basement and three stories building. Appellant desires to have four apartment units, one on each floor.

(3) The lots contain an area of 1744 square feet of land whereas regulation requirements in the R-4 District is 3600 square feet of land in order to convert to four units.

(4) There was no objection to the granting of this appeal registered at the public hearing.

(5) Appellant has provided two parking spaces in the rear of the premises.

**OPINION:**

We are of the opinion that appellant has proven a hardship within the meaning of the provisions of Section 8207.11 of the Zoning Regulations, and that an outright denial of the request would result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the owner. However, the Board is of the opinion that four apartment units in this building would create undue overcrowding and would violate the provisions of Sect. 3301.1 of the Zoning Regulations by creating a deficiency in lot area by 1856 square feet whereas three units would in itself creates a 900 square foot deficiency. However, in view of the three stories and basement the Board is of the opinion that the allowance of three units would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. Therefore, this order is subject to the following condition:

- (a) The use of this building for apartments shall be limited to three, one on each floor above the basement.